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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,955	03/31/2004	Jonathan Lee Orwant	528401-7	5873
7590 01/25/2006				
COHEN, PONTANI, LIEBERMAN & PAVANE 551 Fifth Avenue, Suite 1210 New York, NY 10176			EXAMINER WENDELL, ANDREW	
			ART UNIT 2643	PAPER NUMBER

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,955	<b>Applicant(s)</b> ORWANT ET AL.	
	<b>Examiner</b> Andrew Wendell	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 9-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Teshima (US Pat Appl# 2002/0032035).

Regarding claim 1, Teshima's method for delivery of advertisement information to mobile units teaches obtaining a message provided by the sender (Sponsor/User) (Sections 0015 and 0047-0051); obtaining a location designated by the sender for delivery of the message (Sections 0015 and 0047-0051); tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0015 and 0096); determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0015 and 0099-0100); and initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0015 and 0101-0102).

Regarding claim 2, Teshima teaches wherein the specified mobile object is the intended recipient (Section 0015 and 0101).

Regarding claim 3, Teshima teaches wherein the specified mobile object is identified by the sender, and is other than the intended recipient (Sections 0096-0100).

Regarding claim 5, Teshima teaches wherein the intended recipient is animate (Passengers, Section 0007).

Regarding claim 9, Teshima teaches wherein the message is at least of text (Fig. 7).

Regarding claim 10, Teshima teaches wherein a mode in which the message is reproduced for the intended recipient is in accordance with a setting controlled by the intended recipient (Sections 0046-0047 and 0086).

Regarding claim 11, Teshima teaches wherein delivery of the message is controlled in accordance with a delivery rule provided by the sender (Sections 0047-0051).

Regarding claim 12, Teshima teaches wherein initiating the procedure for automatic delivery of the message upon detection of the specified mobile object reaching the designated location message comprises processing the delivery rule (Section 0099-0100).

Regarding claim 13, Teshima teaches wherein the obtaining of the message comprises receiving and storing a message based on input from the sender (Sections 0047-0051).

Regarding claim 14, Teshima teaches wherein the obtaining of the message comprises retrieving a message from among a plurality of stored messages based on input from the sender.

Regarding claim 15, Teshima teaches wherein the obtaining of the designated location comprises obtaining a location based on input from the sender (Sections 0015 and 0047-0051).

Regarding claim 16, Teshima teaches wherein the obtaining of the designated location comprises retrieving a location from among a plurality of stored locations based on input from the sender (Sections 0100-0101).

Regarding claim 17, Teshima teaches further comprising obtaining an identification of the intended recipient based on input from the sender (Section 0051 and 0068).

Regarding claim 18, Teshima teaches wherein the rule includes instructions for repeating delivery of the message (Section 0137).

Regarding claim 19, Teshima teaches wherein the intended recipient includes a plurality of recipients identified by the sender (Section 0051 and 0068).

Regarding claim 20, Teshima teaches obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); obtaining, at the server, a designated location based on input from the first client (Sections 0015 and 0047-0051); obtaining, at the server, an identification of a second client as the intended recipient of the message, based on input from the first client (Section 0051 and 0068); obtaining, at the server, identification of a mobile client to be tracked for

delivery of the message (Section 0051 and 0068); determining, from the position-determining device of the client to be tracked for delivery of the message, whether the client being tracked has arrived at the designated location (Sections 0015 and 0099-0100); and automatically triggering electronic delivery of the message to the intended recipient upon the tracked mobile client being determined to have arrived at the designated location (Sections 0015 and 0101-0102).

Regarding claim 21, Teshima teaches wherein the client to be tracked for delivery of the message is the second client, and wherein the step of obtaining identification of a client to be tracked for delivery of the message comprises deriving the identification from the identification of the second client (Sections 0097-0101).

Regarding claim 22, Teshima teaches wherein the step of obtaining identification of a client to be tracked for delivery of the message comprises obtaining the identification based on input from the first client (Sections 0097-0101).

Regarding claim 23, Teshima teaches obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); obtaining, at the server a designated location based on input from the first client (Sections 0015 and 0047-0051); obtaining, at the server, a delivery rule based on input from the first client for delivering the message to an intended recipient, wherein the delivery rule includes arrival of a specified mobile client at the designated location (Sections 0047-0051 and 0068); determining, from the position-determining device of the mobile client, whether the specified mobile client has arrived at the designated location (Sections 0015 and 0099-0100); and upon the specified mobile client being determined to have arrived at

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the designated location, triggering electronic delivery of the message to the intended recipient, based upon the delivery rule (Sections 0015 and 0101-0102).

Regarding claim 24, Teshima teaches further comprising obtaining, at the server, identity of the specified mobile client based on input from the first client (Section 0099-0101).

Regarding claim 25, Teshima teaches further comprising obtaining, at the server, identity of the intended recipient based on input from the first client (Sections 0099-0101).

Regarding claim 26, Teshima teaches obtaining an electronic message based on input from a sender (Sponsor/User) (Sections 0015 and 0047-0051); obtaining an intended recipient, a designated location, and a selected mobile object having a position-determining device, based on input from the sender (Sections 0047-0051, 0068, and 0099-0100); and using position-determining technology to automatically deliver the message electronically to the intended recipient upon the selected mobile object being determined to have arrived at the designated location (Sections 0015 and 0101-0102).

Regarding claim 27, Teshima teaches obtaining a message based on input from the sender (Sponsor/User) (Sections 0015 and 0047-0051); obtaining a designated location based on input from the sender (Sections 0015 and 0047-0051); obtaining identification of at least one recipient, from among the plurality of potential recipients, specified based on input from the sender as an intended recipient of the message (Sections 0047-0051, 0068, and 0099-0100); obtaining a selected mobile object

specified based on input from the sender (Sections 0047-0051, 0068); and automatically delivering the message electronically to the intended recipient based upon the position of the selected mobile object, as derived from the position-determining technology, relative to the designated location (Sections 0015 and 0101-0102).

Regarding claim 28, Teshima teaches obtaining a message based on input from the sender (Sponsor/User) (Sections 0015 and 0047-0051); obtaining a designated location based on input from the sender (Sections 0015 and 0047-0051); obtaining identification of at least two recipients, from among the plurality of potential recipients, specified based on input from the sender as intended recipients of the message (Sections 0047-0051, 0068, and 0099-0100); and automatically delivering the message electronically to one of the intended recipients based upon the position of the one of the intended recipients relative to another of the intended recipients, as derived from the position-determining technology (Sections 0015 and 0101-0102).

Regarding claim 29, Teshima teaches wherein each of the plurality of potential recipients includes a position-determining device to determine its current position (Sections 0096-0100).

Regarding claim 30, Teshima teaches obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); obtaining, at the server, an identification of a second, mobile client as the intended recipient of the message, based on input from the first client (Sections 0047-0051, 0068, and 0099-0100); obtaining, at the server, an identification of a third client, based on input from



the first client (Sections 0047-0051, 0068, and 0099-0100); and automatically triggering electronic delivery of the message to the intended recipient upon the second, mobile client being determined to have arrived at a designated position relative to the position of the third client (Sections 0015 and 0101-0102).

Regarding claim 31, Teshima teaches wherein the third client is also a mobile client having a position-determining device (Sections 0096 and 0100).

Regarding claim 32, Teshima teaches wherein the first and second clients are the same client (Sections 0097-0098).

Regarding claim 33, Teshima teaches processing and storing message data provided by the sender (Sponsor/User) (Sections 0015, 0047-0051, and 0068); tracking the position of the specified mobile object (Sections 0015 and 0099-0100); and automatically delivering a message electronically to the intended recipient upon arrival of the specified mobile object at a designated location (Sections 0015 and 0101-0102).

Regarding claim 34, Teshima teaches wherein the message data includes the message, the intended recipient, and a delivery rule (Sections 0015, 0047-0051, and 0068).

Regarding claim 35, Teshima teaches wherein the message data includes the message (0047-0051).

Regarding claim 36, Teshima teaches wherein the message data includes the intended recipient (Sections 0015, 0047-0051, and 0068).

Regarding claim 37, Teshima teaches wherein the message data includes a delivery rule (Sections 0015, 0047-0051, and 0068).

Regarding claim 38, Teshima teaches wherein the message data includes identity of the specified mobile object (Sections 0015, 0047-0051, and 0068).

Regarding claim 39, Teshima teaches wherein the message data includes the designated location (Sections 0015 and 0047).

Regarding claim 40, Teshima teaches means for obtaining a message provided by the sender (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining a location designated by the sender for delivery of the message (Sections 0015 and 0047-0051); means for tracking a specified mobile object having a position-determining device that determines its own current position, and which transmits its then current position at preset time intervals (Sections 0015 and 0096); means for determining from the transmitted current position whether the specified mobile object has reached the designated location (Sections 0015 and 0099-0100); and means for initiating a procedure for automatic delivery of the message electronically to the intended recipient upon the specified mobile object being determined to have reached the designated location (Sections 0015 and 0101-0102).

Regarding claim 41, Teshima teaches means for obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining, at the server, a designated location based on input from the first client (Sections 0015 and 0047-0051); means for obtaining, at the server, an identification of a second client as the intended recipient of the message, based on input from the first client (Section 0051 and 0068); means for obtaining, at the server, identification of a mobile client to be tracked for delivery of the message (Section 0051

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and 0068); means for determining, from the position-determining device of the client to be tracked for delivery of the message, whether the client being tracked has arrived at the designated location (Sections 0015 and 0099-0100); and means for automatically triggering electronic delivery of the message to the intended recipient upon the tracked mobile client being determined to have arrived at the designated location (Sections 0015 and 0101-0102).

Regarding claim 42, Teshima teaches means for obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining, at the server, a designated location based on input from the first client (Sections 0015 and 0047-0051); means for obtaining, at the server, a delivery rule based on input from the first client for delivering the message to an intended recipient, wherein the delivery rule includes arrival of a specified mobile client at the designated location (Sections 0047-0051 and 0068); means for determining, from the position-determining device of the mobile client, whether the specified mobile client has arrived at the designated location (Sections 0015 and 0099-0100); and means for upon the specified mobile client being determined to have arrived at the designated location, triggering electronic delivery of the message to the intended recipient, based upon the delivery rule (Sections 0015 and 0101-0102).

Regarding claim 43, Teshima teaches means for obtaining an electronic message based on input from a sender (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining an intended recipient, a designated location, and a selected mobile object having a position-determining device, based on input from the sender

(Sections 0047-0051, 0068, and 0099-0100); and means for using position-determining technology to automatically deliver the message electronically to the intended recipient upon the selected mobile object being determined to have arrived at the designated location (Sections 0015 and 0101-0102).

Regarding claim 44, Teshima teaches means for obtaining a message based on input from the sender (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining a designated location based on input from the sender (Sections 0015 and 0047-0051); means for obtaining identification of at least one recipient, from among the plurality of potential recipients, specified based on input from the sender as an intended recipient of the message (Sections 0047-0051, 0068, and 0099-0100); means for obtaining a selected mobile object specified based on input from the sender (Sections 0047-0051, 0068); and means for automatically delivering the message electronically to the intended recipient based upon the position of the selected mobile object, as derived from the position-determining technology, relative to the designated location (Sections 0015 and 0101-0102).

Regarding claim 45, Teshima teaches means for obtaining a message based on input from the sender (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining a designated location based on input from the sender (Sections 0015 and 0047-0051); means for obtaining identification of at least two recipients, from among the plurality of potential recipients, specified based on input from the sender as intended recipients of the message (Sections 0047-0051, 0068, and 0099-0100); and means for automatically delivering the message electronically to one of the intended

recipients based upon the position of the one of the intended recipients relative to another of the intended recipients, as derived from the position-determining technology (Sections 0015 and 0101-0102).

Regarding claim 46, Teshima teaches means for obtaining, at the server, a message based on input from a first client (Sponsor/User) (Sections 0015 and 0047-0051); means for obtaining, at the server, an identification of a second, mobile client as the intended recipient of the message, based on input from the first client (Sections 0047-0051, 0068, and 0099-0100); means for obtaining, at the server, an identification of a third client, based on input from the first client (Sections 0047-0051, 0068, and 0099-0100); and means for automatically triggering electronic delivery of the message to the intended recipient upon the second, mobile client being determined to have arrived at a designated position relative to the position of the third client (Sections 0015 and 0101-0102).

Regarding claim 47, Teshima teaches means for processing and storing message data provided by the sender (Sponsor/User) (Sections 0015, 0047-0051, and 0068); means for tracking the position of the specified mobile object (Sections 0015 and 0099-0100); and means for automatically delivering a message electronically to the intended recipient upon arrival of the specified mobile object at a designated location (Sections 0015 and 0101-0102).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima (US Pat Appl# 2002/0032035) in view of Meunier (US Pat Appl# 2005/0113107)

Regarding claim 4, Teshima's method for delivery of advertisement information to mobile units teaches the limitations in claim 1. Teshima fails to teach an intended recipient is a stationary object.

Meunier's method for determining proximity of devices in a wireless network teaches wherein the intended recipient is a stationary object (Section 0012).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an intended recipient is a stationary object as taught by Meunier into Teshima's method for delivery of advertisement information to mobile units in order to improve location monitoring (Sections 0005 and 0006).

Regarding claim 6, the combination including Meunier teaches wherein the intended recipient is inanimate (Section 0012).

Regarding claim 7, the combination including Meunier teaches wherein the intended recipient is an electrically actuatable device (Section 0012).

Regarding claim 8, the combination including Meunier teaches wherein the message is a control signal to actuate the electrically actuatable device (Section 0012).

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Owensby discloses a system and method for providing targeted messages based on wireless mobile location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

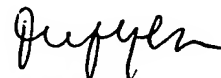
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner

Date: 1/18/2006



**DUC NGUYEN**  
**PRIMARY EXAMINER**

ASW